

SENATE, No. 3425

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Requires railroad operators to remove obstructive vegetation near railroad crossings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning vegetation management and supplementing
2 Title 48 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Each railroad operator shall destroy or remove plants,
8 trees, brush, or other obstructive vegetation upon its right-of-way at
9 each intersection with a public road or highway, for a distance of
10 300 feet or such other distance from the public road or highway that
11 the Commissioner of Transportation determines to be reasonably
12 safe.

13 b. When any railroad operator fails to destroy or remove such
14 vegetation within 10 days following written notice, from the
15 Department of Transportation or the governing body of a county or
16 municipality, served on the local agent of the railroad operator, the
17 department or the governing body of the county or municipality
18 having jurisdiction over the intersection may destroy or remove the
19 plants, trees, brush, or other obstructive vegetation and the railroad
20 operator shall be responsible to reimburse the department or
21 governing body for the costs of such removal. If the railroad
22 operator fails to reimburse the department or governing body within
23 30 days of notice by certified mail, the department or governing
24 body may use all available remedies by law to recover the costs.

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26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill requires a railroad operator to destroy or remove
32 obstructive vegetation upon its right-of-way at each intersection
33 with a public road or highway, for a distance of 300 feet or such
34 other distance from the public road or highway that the
35 Commissioner of Transportation determines to be reasonably safe.

36 Under the bill, if the railroad operator fails to destroy or remove
37 the obstructive vegetation within 10 days following written notice
38 from the Department of Transportation (department) or the
39 governing body of the county or municipality having jurisdiction
40 over the intersection, the department or governing body may
41 destroy or remove the obstructive vegetation and the railroad
42 operator will be responsible for the costs of removal.